

**RECEIVED IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

2005 JUN 17 P 1:42

ANTHONY T. LEE, et al.,

Plaintiffs,

UNITED STATES OF AMERICA,

**Plaintiff-Intervenor
and Amicus Curiae,**

**NATIONAL EDUCATION
ASSOCIATION, INC.,**

Plaintiff-Intervenor,

vs.

**MACON COUNTY BOARD OF
EDUCATION, et al.,**

Defendants.

CIVIL ACTION NO.: 70-000846E

**PETITION FOR EXPEDITED APPROVAL TO CLOSE TWO
SCHOOLS AND FOR THE OPENING OF A NEW ELEMENTARY SCHOOL**

The **Macon County Board of Education** hereinafter referred to as the "**Board**" requests an expedited ruling, approving the closing of **South Macon School** and **Washington Public Elementary School** and the opening of a new school, which has been named, **George Washington Carver Elementary School**.

The proposed closing of **South Macon School** will result in the kindergarten students attending **Lewis Adams Elementary Early Childhood Center**; grades first through third, attending the new **George Washington Carver Elementary School**; grades fourth and fifth attending **Tuskegee Public Elementary School** and grade sixth attending **Tuskegee Institute Middle School**.

SCANNED

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The proposed closing of **Washington Public Elementary School** would result in students in grades first through third, attending the new **George Washington Carver Elementary School** and students in grades fourth through fifth attending Tuskegee Public Elementary School.

The new school, **George Washington Carver Elementary School** will only house students in grades first through third.

The grounds in support of these two school closures and the opening of a brand new elementary school are as follows:

1. That the Macon County elementary school students in grades first through third in the Tuskegee and Roba geographical areas, need to be housed in a safe, modern, state of the art, elementary school, which would be conducive for learning.
2. That the **Board** has continuously experienced environmental, maintenance and safety problems with the sewage treatment plant that services **South Macon School**, and it is no longer cost effective for the **Board** to continue expending thousands of dollars in maintenance expenses and exposing the district to possible fines for environmental violations in the operation of this sewage treatment plant.
3. That the total student population at **South Macon School** at the end of the 2004-2005 school year was only 146 students in grades kindergarten through sixth, and the racial make-up of these students is 100% African-American.
4. That the total student population at **Washington Public Elementary School** at the end of the 2004-2005 school year was 374 students in grades first through fifth and the racial make-up of these students is 100% African American.

5. That according to the 2000 census, the racial composition of Macon County residents is 84.6% black, 14% white, 0.2% American Indian, 0.2% Asian, 0.4% other Asian and the remaining citizens report, some other race.
6. That the vestiges of segregation have been removed from the school district's policies and practices in regard to the hiring of teachers and staff, its facilities, student assignment, and transportation for many years, and that the school district is on the threshold of petitioning for unitary status.
7. That the consolidation of the Tuskegee and South Macon school zones as a result of this petition, would have no adverse impact of the remaining school zones of D. C. Wolfe School in Shorter, Alabama and Notasulga School zone, in Notasulga, Alabama.
8. That the **Macon County Board of Education** has held several town meetings, as well as entertained discussions during regular board meetings in the affected school zones, to educate the community on its plans and the benefits, relating to the actions proposed herein.
9. No teaching or administrative staff will be adversely affected by the proposed actions and no transportation problems are anticipated by the proposed actions.

WHEREFORE, the Macon County Board of Education requests that this petition be given expedited consideration and that this Honorable Court grant it authority to close **South Macon and Washington Public Elementary Schools** and further requests that it approve the opening of the new **George Washington Carver Elementary School**, and

approve the assignments of students from the closed schools, in the manner described herein.

DONE THIS 17TH DAY OF JUNE, 2005.

Respectfully submitted,



DEBORAH HILL BIGGERS (BIG002)

**Attorney for the Macon County Board of Education
113 East Northside**

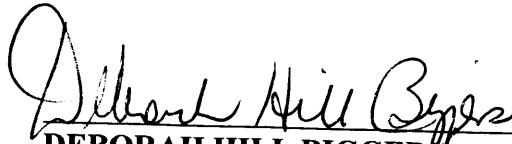
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing **Petition for Expedited Approval to Close Two Schools and for the Opening of a New Elementary School**, upon **Chief, Educational Opportunity Section, Civil Rights Division, P. O. Box 65958, Washington, D. C. 20035-5958** and **Hon Fred D. Gray, Attorney, National Education Association, Inc., P. O. Box 830239, Tuskegee, AL 36083-0239**, by U. S. Mail, postage prepaid, this 17th day of June 2006.



DEBORAH HILL BIGGERS

Attorney at Law